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September 6, 2012

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9-7-12

VIA FACSIMILE

Hon. Paul A. Crotty
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: U.S. v. Goldberger et al. ✓ &
12-CR-598 (PAC)

~~U.S. v. Ashkenazi et al.~~
12-CR-581 (PKC)

Dear Judge Crotty:

I write to respectfully request that Your Honor permit defendant Samuel Goldberger to attend religious services in connection with the Jewish High Holidays pursuant to the terms of his bail conditions.

Mr. Goldberger is under indictment in two separate cases in this District. On August 15, 2012 Mr. Goldberger was simultaneously arraigned in the above-captioned case pending before Your Honor, and presented for his initial appearance in the above captioned case pending before Judge Castel. Mr. Goldberger's bail conditions set by Magistrate Judge Peck for both cases include home confinement with electronic monitoring with the caveat that Mr. Goldberger is permitted to attend "religious services on advance notice to Pretrial." (Docket No. 15).

On September 5, 2012, my associate Noah Shelanski emailed Mr. Goldberger's Pretrial Services Officer Dennis Khilkevich, requesting that Mr. Goldberger be permitted to attend a number of religious services in connection with the upcoming Jewish Holidays. (See Exhibit A). Mr. Shelanski's email attached a schedule of the religious services prepared by the administration of the Mr. Goldberg's synagogue. (See Exhibit B). Mr. Shelanski was informed by Officer Khilkevich that due to the "complexity and extent of the request, we would need the Judge's endorsement" for the request. (See Exhibit C). Accordingly, I request permission for Mr. Goldberger to attend the religious services set forth in Mr. Shelanski's September 5th email to Officer Khilkevich for: (1) Selichot (services to recite penitential prayers prior to Yom

MEMO ENDORSED

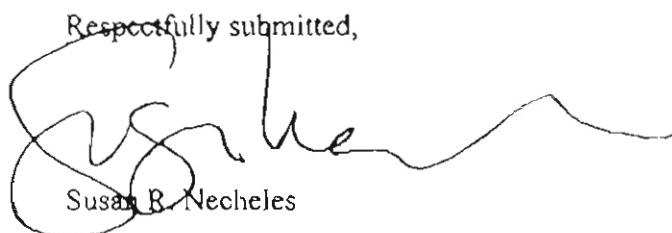
HAFETZ NECHELES & ROCCO

Hon. Paul A. Crotty
9/6/2012
Page 2 of 2

Kippur); (2) Rosh Hashanah (the Jewish New Year, which lasts for two days beginning at sundown on September 16th and ending one hour after sundown on September 18th); (3) Sabbath Shuvah (a special Sabbath service during the days of awe between Rosh Hashanah and Yom Kippur); and (4) Yom Kippur (the Day of Atonement, the holiest day of the Jewish year). The schedule of services is as follows:

Date	Religious Event	Leave Home	Return Home
✓ September 9, 2012	Selichot	4:50am	10:30am
✓ September 16, 2012	Selichot	4:50am	8:10am
✓ September 16, 2012	Rosh Hashanah	7pm	10:50pm
✓ September 17, 2012	Rosh Hashanah	7:20am	5:40pm
✓ September 17, 2012	Rosh Hashanah	6:35pm	9pm
✓ September 18, 2012	Rosh Hashanah	7:20am	5:40pm
✓ September 18, 2012	Rosh Hashanah	6:35pm	9pm
✓ September 22, 2012	Sabbath Shuvah	9:05am	1:40pm
✓ September 25, 2012	Selichot	5:20am	8:10am
✓ September 25, 2012	Yom Kippur	2:20pm	4:40pm
✓ September 25, 2012	Yom Kippur	6:10pm	11:10pm
✓ September 26, 2012	Yom Kippur	7:20am	8:40pm

If this proposed schedule of religious services meets with Your Honor's approval, I request that you "so-order" this letter.

Respectfully submitted,

 Susan B. Necheles

cc: AUSA Natalie Lemarque (via email)
 AUSA Rachel Maimin (via email)
 AUSA Daniel Ben Tehrani (via email)
 Joseph A. Grob, Esq. (via email)
 Royce Russell, Esq. (via email)

SO ORDERED: 9-7-12


 HON. PAUL A. CROTTY
 UNITED STATES DISTRICT JUDGE

Exhibit A

Noah E. Shelanski

From: Noah E. Shelanski
Sent: Wednesday, September 05, 2012 2:59 PM
To: Dennis_Khilkevich@nyspt.uscourts.gov
Cc: nysptml_emunit@nyspt.uscourts.gov
Subject: Samuel Goldberger
Attachments: Congregation Kehilath Yakov Pupa - High Holidays 2012 (00105813).PDF

Dennis:

As I mentioned to you yesterday, Mr. Goldberger has a busy religious schedule due to the upcoming Jewish Holidays. I have attached a fax from the administrator at Mr. Goldberger's synagogue listing the times of the upcoming High Holiday services. I have placed these times into the chart below and added 10 minutes on either side of the scheduled services so as to allow Mr. Goldberger sufficient time to travel between his home and the synagogue (there is one exception to the 10 minutes added for September 9th, which I have explained below). These are the times that I am requesting that Mr. Goldberger be permitted to leave his home.

Date	Religious Event	Leave Home	Return Home
September 9, 2012	Selichot	4:50am	10:30am*
September 16, 2012	Selichot	4:50am	8:10am
September 16, 2012	Rosh Hashanah	7pm	10:50pm
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September 25, 2012	Yom Kippur	2:20pm	4:40pm
September 25, 2012	Yom Kippur	6:10pm	11:10pm
September 26, 2012	Yom Kippur	7:20am	8:40pm

*Although the attached fax indicates that the Selichot service for September 9th will end at 9:30am, I have requested that Mr. Goldberger be permitted to return home at 10:30am. The reason for this request is that this service includes a visit to a cemetery in Westchester county with the entire synagogue community. Because Mr. Goldberger will be returning home from Westchester and not from the synagogue which is near to his home, I have requested the additional time following the service so that he will have sufficient time to return home.

Please note that this request does not include permission for Mr. Goldberg to attend other standard Friday and Saturday religious services which vary in time from week to week due to the changing times of the sunset. Mr. Goldberg or I will contact you in the future regarding permission to attend those religious services.

Best regards,

Noah

Noah E. Shelanski
Hafetz Necheles & Rocco
500 Fifth Avenue, 29th Floor
New York, NY 10110
Phone: (212) 997 - 7595
Fax: (212) 997 - 7646

Exhibit B

Congregation Kehilath Yakov Pupa

684-688 Bedford Ave. Brooklyn NY 11249

September 4, 2012

To whom it may concern;

This is to confirm that Samuel Goldberger residing at 5 Lorimer Street, Brooklyn NY 11208, is a member of our Congregation, and attends all services in our synagogue.

Our schedules for the upcoming special Holidays - Selichot, Rosh Hashanah and, Yom Kippur¹ - are as follows:

* **Selichot - Sunday Sep. 9, 2012** service will start at 6:00 am, and will end approximately 9:30 am.

* **Selichot - Sunday Sep. 16, 2012**, service will start at 4:30 am, and will end approximately 8:00

* **Rosh Hashanah - Sunday evening thru Tuesday night, Sep. 16-18 2012:**

Sunday evening services 7:10 ~ 10:40 pm

Day services (Monday & Tuesday) Starting from 7:30 am till approx 6:00 pm (Note: ending time may vary between 4:30-5:30 pm)

Evening services (Monday & Tuesday) 8:45 pm, and will end approximately 8:50 pm.

* **Sabbath Shuvah** (the Sabbath between Rosh Hashanah and Yom Kippur) - **Saturday September 22 2012**, morning services will end at approximately 1:30. All other Sabbath services are as a regular Sabbath.

* **Selichot - Tuesday Sep. 25, 2012**, services will start at 6:30 am, and will end approximately 8:00

* **Yom Kippur - Tuesday afternoon thru Wednesday night, September 26-28 2012:**

Tuesday afternoon services 2:30 ~ 4:30 pm. Tuesday evening services 8:20 ~ 11:00 pm.

Wednesday services continue all day long, starting at 7:30 am till 8:30 pm.

Sincerely,

J. Friedman, Secretary

P. S. I can be reached at 347-482-8224.

¹ Description: "Selichot" - several days before High Holidays we begin to recite the Selichot, a series of penitential prayers and liturgy.

"Rosh Hashanah" - the Jewish New Year.

"Yom Kippur" - the Day of Atonement.

Exhibit C

Noah E. Shelanski

From: Dennis_Khilkevich@nyspt.uscourts.gov
Sent: Wednesday, September 05, 2012 4:18 PM
To: Noah E. Shelanski
Cc: Rebecca_Smith@nyspt.uscourts.gov
Subject: Re: Samuel Goldberger

Noah,
Given the complexity and extent of the request, we would need the Judge's endorsement.

Dennis Khilkevich
U.S. Pretrial Services/SDNY
Location Monitoring Unit
212-805-4147

From: "Noah E. Shelanski" [nes@hnrlawoffices.com]
Sent: 09/05/2012 02:59 PM AST
To: Dennis Khilkevich
Cc: <nysptml_emunit@nyspt.uscourts.gov>
Subject: Samuel Goldberger

Dennis:

As I mentioned to you yesterday, Mr. Goldberger has a busy religious schedule due to the upcoming Jewish Holidays. I have attached a fax from the administrator at Mr. Goldberger's synagogue listing the times of the upcoming High Holiday services. I have placed these times into the chart below and added 10 minutes on either side of the scheduled services so as to allow Mr. Goldberger sufficient time to travel between his home and the synagogue (there is one exception to the 10 minutes added for September 9th, which I have explained below). These are the times that I am requesting that Mr. Goldberger be permitted to leave his home:

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returning home from Westchester and not from the synagogue which is near to his home, I have requested the additional time following the service so that he will have sufficient time to return home.

Please note that this request does not include permission for Mr. Goldberg to attend other standard Friday and Saturday religious services which vary in time from week to week due to the changing times of the sunset. Mr. Goldberg or I will contact you in the future regarding permission to attend those religious services.

Best regards,

Noah

Noah E. Shelanski
Hafetz Necheles & Rocco
500 Fifth Avenue, 29th Floor
New York, NY 10110
Phone: (212) 997 - 7595
Fax: (212) 997 - 7648
nshelanski@hnrlawoffices.com

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New York, NY 10110
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Fax 212-997-7640
www.hnrlawoffices.com

FACSIMILE TRANSMISSION COVER SHEET

TO: Hon. Paul A. Crotty

DATE: September 6, 2012

FROM: Noah E. Shelanski

FAX NUMBER: (212) 805-6304

RE: U.S. v. Goldberger et al. - 12-CR-598 (PAC)
U.S. v. Ashkenazi et al. - 12-CR-581 (PKC)

CC: AUSA Natalie Lemarque (via email)
AUSA Rachel Maimin (via email)
AUSA Daniel Ben Tehrani (via email)
Joseph A. Grob, Esq. (via email)
Royce Russell, Esq. (via email)

NO. OF PAGES (INCLUDING COVER SHEET): 10

* * * * *

MESSAGE:

{00105825 DOC;1}NOTE: If you do not receive the number of pages indicated, please call us at 212/997-7595

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